



May 21 2007 Please type a plus sign (+) inside this box ☐

05-23-07

ITW #

PTO/SB/21 (6-99)

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

|                        |                    |
|------------------------|--------------------|
| Application Number     | 09/941,992         |
| Filing Date            | August 28, 2001    |
| First Named Inventor   | Avi J. Ashkenazi   |
| Group/Art Unit         | 1646               |
| Examiner Name          | Elizabeth Kemmerer |
| Attorney Docket Number | 39780-2730P1C1     |

Total Number of Pages in This Submission  
(Not including Evidence Appendix Items)

39

## ENCLOSURES (check all that apply)

☒ **Fee Transmittal Form**

☐ Fee Attached

☐ Response

☐ After Final

☐ Version With Markings Showing  
Changes

☐ Declaration/Affidavit

☒ **Extension of Time Request - 5 months**

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/ Incomplete  
Application

☐ Response to Missing  
Parts under 37 CFR  
1.52 or 1.53

☐ Copy of Notice

☐ Copy of an Assignment

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition Routing Slip (PTO/SB/69)  
and Accompanying Petition

☐ Petition to Convert to a  
Provisional Application

☐ Power of Attorney, by Assignee to  
Exclusion of Inventor Under 37 C.F.R.  
§3.71 With Revocation of Prior Powers

☐ Terminal Disclaimer

☐ Small Entity Statement

☐ Request for Refund

☐ After Allowance Communication to  
Group

☐ Appeal Communication to Board of  
Appeals and Interferences

☒ **Appeal Communication to Group**  
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ **ADDITIONAL ENCLOSURE(S)**  
(PLEASE IDENTIFY BELOW):

☒ **Evidence Appendix Items 1-160; and  
Return Postcard.**

Remarks

**AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN  
CONNECTION WITH THIS PAPER, REFERENCING ATTORNEY'S DOCKET NO. 39780-2730  
P1C1.**

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

|                            |   |                                     |
|----------------------------|---|-------------------------------------|
| Firm or<br>Individual name | <b>HELLER EHRMAN LLP</b>                                  | <b>PANPAN GAO (REG. NO. 43,626)</b> |
|                            | <b>275 Middlefield Road, Menlo Park, California 94025</b> | <b>Telephone: (650) 324-7000</b>    |
|                            |   | <b>Facsimile: (650) 324-0638</b>    |
| Signature                  |   |                                     |
| Date                       | <b>MAY 21, 2007</b>                                       | Customer Number: <b>35489</b>       |

## CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: **MAIL STOP APPEAL BRIEFS-PATENTS**, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on this date: **MAY 21, 2007**

Express Mail Label **EV 582 638 921 US**

Typed or printed name **L. LAZO**

Signature

Date

**MAY 21, 2007**

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop \_\_\_\_, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

# COMBINED FEE TRANSMITTAL for FY 2007

Effective 12/08/2004. Patent fees are subject to annual revision.

PTO/SB/17 (12-04) (Revised) (For payment of 37 CFR 1.17 fees including (f), (g), (h), & (i))

claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 2,660.00

*Complete if Known*

|                      |                    |
|----------------------|--------------------|
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| Examiner Name        | Elizabeth Kemmerer |
| Art Unit             | 1646               |
| Attorney Docket No.  | 39780-2730 P1C1    |

## METHOD OF PAYMENT (check one)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None  
☒ Deposit Account

Deposit Account Number: 108-1641 39780-2730P1C1

Deposit Account Name: Heller Ehrman LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below  
☒ Credit any overpayments and charge any deficiencies  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the deposit account

## FEE CALCULATION (continued)

|   | Fee Paid |
|---|----------|
| <b>4. PETITION FEES UNDER 37 CFR 1.17 (f)</b><br>Fee Code: 1462 Fee \$ 400 For petitions filed under:<br>§ 1.53(e); § 1.57(a); § 1.182; § 1.183; § 1.378(e); § 1.741(b)   |          |
| <b>5. PETITION FEES UNDER 37 CFR 1.17 (g)</b><br>Fee Code: 1463 Fee \$ 200 For petitions filed under:<br>§ 1.12; § 1.14; § 1.47; § 1.59; § 1.103(a); § 1.136(b); § 1.295; § 1.296; § 1.377; § 1.550(c); § 1.956; § 5.12; § 5.15; § 5.25   |          |
| <b>6. PETITION FEES UNDER 37 CFR 1.17 (h)</b><br>Fee Code: 1464 Fee \$ 130 For petitions filed under:<br>§ 1.19(g); § 1.84; § 1.91; § 1.102(d); § 1.138(c); § 1.313; § 1.314  |          |
| <b>7. PROCESSING FEES UNDER 37 CFR 1.17 (i)</b><br>Fee Code: 1808 (1803 for § 1.221) Fee \$ 130 For petitions filed under:<br>§ 1.28(c)(3); § 1.41; § 1.48; § 1.52(d); § 1.53(b)(3); § 1.55; § 1.99(e); § 1.103(b); § 1.103(c); § 1.103(d); § 1.217; § 1.221; § 1.291(c)(5); § 1.497(d); § 3.81 |          |

## FEE CALCULATION

### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Applicati<br>on Type | FILING FEES        |                             | SEARCH FEES        |                             | EXAMINATION FEES   |                             | Fees<br>Paid (\$) |
|----------------------|--------------------|-----------------------------|--------------------|-----------------------------|--------------------|-----------------------------|-------------------|
|                      | Entity<br>Fee (\$) | Small<br>Entity<br>Fee (\$) | Entity<br>Fee (\$) | Small<br>Entity<br>Fee (\$) | Entity<br>Fee (\$) | Small<br>Entity<br>Fee (\$) |                   |
| Utility              | 300                | 150                         | 500                | 250                         | 200                | 100                         |                   |
| Design               | 200                | 100                         | 100                | 50                          | 135                | 65                          |                   |
| Plant                | 200                | 100                         | 300                | 150                         | 160                | 80                          |                   |
| Reissue              | 300                | 150                         | 500                | 250                         | 600                | 300                         |                   |
| Provisional          | 200                | 100                         | 0                  | 0                           | 0                  | 0                           |                   |
| <b>SUBTOTAL (1)</b>  |                    |                             |                    |                             |                    |                             | \$                |

### 2. EXTRA CLAIM FEES

| Entity Fee (\$)        | Small Entity Fee (\$) | Fee Description   |
|------------------------|-----------------------|---|
| 50                     | 25                    | Each claim in excess of 20 or, for Reissues, each claim in excess of 20 and more than in the original patent    |
| 200                    | 100                   | Each Independent claim in excess of 3 or, for Reissues, each independent claim more than in the original patent |
| 360                    | 180                   | Multiple dependent claim, if not already paid   |
|                        |                       | <b>Extra Claims</b>   |
| Total Claims           | -20** =               | x   |
| Independe<br>nt Claims | -3** =                | x   |
|                        |                       | <b>Fee from above</b>   |
|                        |                       | <b>Fee Paid</b>   |
|                        |                       | Multiple Dependent  |
|                        |                       | <b>SUBTOTAL (2)</b>   |
|                        |                       | \$  |

### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof (round up to the a whole number). See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s)

| Total<br>Sheets     | Extra<br>Sheets | Number of<br>each additional<br>50 | Fee<br>(\$) | Small<br>Entity<br>Fee (\$) |
|---------------------|-----------------|------------------------------------|-------------|-----------------------------|
| -100 =              | /50 =           | x 250                              | OR          | x 125                       |
| <b>SUBTOTAL (3)</b> |                 |                                    |             |                             |
| \$                  |                 |                                    |             |                             |

### 8. OTHER FEES

| Entity<br>Fee (\$) | Entity<br>Fee (\$) | Fee Description  | Fee Paid |
|--------------------|--------------------|--|----------|
| 130                | 65                 | Surcharge - late filing fee or oath                            |          |
| 50                 | 25                 | Surcharge - late provisional filing fee or cover sheet         |          |
| 130                | 130                | Non-English specification                                      |          |
| 2,520              | 2,520              | For filing a request for <i>ex parte</i> reexamination         |          |
| 920*               | 920*               | Requesting publication of SIR prior to Examiner action         |          |
| 1,840*             | 1,840*             | Requesting publication of SIR after Examiner action            |          |
| 120                | 60                 | Extension for reply within first month                         |          |
| 450                | 225                | Extension for reply within second month                        |          |
| 1,020              | 510                | Extension for reply within third month                         |          |
| 1,590              | 795                | Extension for reply within fourth month                        |          |
| 2,160              | 1,080              | Extension for reply within fifth month                         | 2,160.00 |
| 500                | 250                | Filing a brief in support of an appeal                         | 500.00   |
| 790                | 395                | Filing a submission after final rejection (37 CFR 1.129(a))    |          |
| 1,510              | 1,510              | Petition to institute a public use proceeding                  |          |
| 500                | 250                | Petition to revive - unavoidably abandoned application         |          |
| 1,500              | 750                | Petition to revive - unintentionally abandoned application     |          |
| 50                 | 50                 | Processing fee for provisional appls (37 CFR 1.17(q))          |          |
| 180                | 180                | Submission of Information Disclosure Statement                 |          |
| 1,000              | 500                | Request for oral hearing                                       |          |
| 790                | 395                | For each additional invention to be examined (37 CFR 1.129(b)) |          |
| 790                | 395                | Request for Continued Examination (RCE)                        |          |
| 900                | 900                | Request for expedited examination of a design application      |          |

Other fee (specify)

**SUBTOTAL (4+5+6+7+8)** \$2,660.00

\* Reduced by Basic Filing Fee Paid

## SUBMITTED BY

Name (Print/Type) Panpan Gao

Signature

Registration No (Attorney/Agent)

43,626

Date

May 21, 2007

*Complete (if applicable)*

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